



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

McDonnell Boehnen Hulbert & Berghoff LLP
300 S. Wacker Drive
32nd Floor
Chicago, IL 60606

COPY MAILED

NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
John G. Fijolek, et al. :
Application No. 09/722,980 :
Filed: November 27, 2000 :
Attorney Docket No. 00-1133 :
ON PETITION

This is a decision on the petition filed October 20, 2005, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

A Notice of Drawing Inconsistency with Specification (Notice) was mailed to applicant on June 6, 2005, which set a one (1) month or thirty (3) day period (whichever was longer) for reply. As no reply was allegedly received, the application became abandoned on July 7, 2005.

Petitioner avers that a substitute drawing was filed via certificate of mailing under the provisions of 37 CFR 1.8 on July 6, 2005, which was received in the USPTO on July 8, 2005. Accompanied by the drawing were a transmittal letter and "the original Response to Notice of Drawing Inconsistency with Specification and Submission of Substitute Drawing Sheet." The transmittal letter listed the application number as 09/722,890, which is incorrect, but the application number was properly noted on all of the other submitted documents.

Upon conducting a research, the Office has discovered the drawing, the transmittal letter, and the copy of the Notice were, in fact, associated with application number 09/722,890. However, it is also confirmed that the papers (other than the transmittal letter) did list the application number correctly. There was enough information provided to associate all of the documents, including the substitute drawing, with the proper application. In view thereof, the Office erred in placing the papers in the wrong application file.

Accordingly, the present application was improperly held abandoned and the abandonment is hereby withdrawn. No petition fee has been charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to Technology Center 2600.



Marianne E. Jenkins
Petitions Examiner
Office of Petitions